

WaiversFirst Name	Last Name	Claim Number	
		W-18-0035	
Amount	OGC Received Date	Assigned To	Assigned Date
\$2816.28	07/02/2018	Mary O'Lone	07/03/2018
EPA Decision	EPA Decision Date	Amount Approved	Status
DENIED	10/03/2018	\$0.00	CLOSED
Appeal	Comments		
No	9/28/18 DENIAL TO KEN. Reason to know 27 ELSS		

9/28/18 employee sent SF50s & ELSS.

8/23/18 email to CFC. The IBC bill says that the overpayment was for pay periods 20 I 7/04 to 2018/11. Requested any SF50s issued to her in that time period as well as her ELSS for that same time period.

For almost a year, [REDACTED]

[REDACTED]

Type

Locality Pay

Attachments

[REDACTED]:

This email is in response to your “Waiver of Indebtedness Application” dated June 19, 2018, wherein you have requested approval of a waiver of debt in the amount of \$2,816.28. For the reasons set forth below, your request for a waiver is denied.

Background

Our records show that the Las Vegas Human Resources Shared Service Center (HRSSCLV) processed a Conversion to Reinstatement to Career Appointment action effective January 22, 2017 which erroneously set your duty location

[REDACTED]

Due to Agency’s administrative error, you were overpaid between January 22, 2017 and May 13, 2018 and the correction of that error resulted in a debt of \$2,816.28. Accordingly, the Interior Business Center (IBC) at the Department of Interior sent you a Bill for Collection dated June 4, 2018 (Debt ID 81560258012) in the amount of \$2,816.28 for overpayments made between Pay Period 04 of 2017 through Pay Period 11 in 2018. In response to the Bill for Collection, you submitted a “Waiver of Indebtedness Application” dated June 19, 2018. In support of your application, you stated you had no reason to recognize this as an

erroneous payment because you did not see anything unusual about your pay rate and you thought any increase in pay was due to the pay raise given to all Federal employees.

Analysis

In the present case, I find that the overpayments were caused by Agency administrative error. Under 5 U.S.C. § 5584, I have the authority to waive claims for overpayments of compensation and allowances if collection would be against equity and good conscience and not in the best interests of the United States. "Such authority may not be exercised if there is an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim." B-231018 (1989). Generally, an employee who knows or reasonably should have known that he or she was overpaid should be prepared to repay the debt and it is not against equity and good conscience to collect. B-227322 (1988); B-223508 (1986). The employee is generally deemed to be at fault in those situations. B-271308 (1996).

In determining whether an employee's actions are reasonable with regard to an overpayment, I may examine such matters as the employee's position, knowledge, experience and length of service. B-222383 (1986). Our records show that you have been an EPA employee since 2011. At the time the erroneous payments began in January 2017, you had been employed by EPA for more than 5 years. It is my view that your experience under the general schedule pay system would have caused a reasonable person to carefully scrutinize all documents pertaining to pay, particularly at the time of your Conversion to Reinstatement to Career Appointment.

The next question is whether you were aware or should have suspected a pay error based upon information available to you. Generally, "if an employee has records which, if reviewed, would indicate an overpayment, and the employee fails to review such documents for accuracy or otherwise fails to take corrective action, then the employee is not without fault and waiver will be denied." B-231018 (1989). "This rule is particularly relevant in the case of leave and earnings statements." B-243885 (1991). If an employee could have reasonably ascertained from his or her ELS that there was an erroneous payment or allowance, then the waiver request should be denied. B-240393 (1991).

The record contains [REDACTED]

[REDACTED] In addition, the Agency issued to you other SF50s unrelated to this issue with approval dates of June 6, 2017, January 7, 2018, and May 10, 2018, that list your [REDACTED]

Therefore, I find that there is evidence in the record that you knew or should have known that you were receiving locality pay to which you were not entitled. You had opportunity to detect and correct the overpayments.

Based on the discussion above, I find that it is not against equity and good conscience to collect the \$2,816.28 stated in your Bill for Collection. Accordingly, your waiver request is denied.

2017 ELSs

2018 ELSs

SF50s

CORRESPONDENCE:

From: "Henderson, Jessica" <Henderson.Jessica@epa.gov>

Date: July 2, 2018 at 11:59:32 AM EDT

To: "Redden, Kenneth" <Redden.Kenneth@epa.gov>

Subject: In-Service Payroll Debt - Waiver Request [REDACTED]

Good Afternoon,

Please see attachment for [REDACTED] requesting a waiver for debt she owes regarding an administrative error. I have included the waiver request form along with supporting documents.

Thank you,
Jess Henderson,
Accountant
US Environmental Protection Agency
Account Receivable Branch:
Cincinnati Finance Office
Phone: (513) 487- 2718
Fax: (513) 487- 2063